



CITY OF HAYWARD

AGENDA REPORT

Planning Commission

Meeting Date 04/27/00

Agenda Item 1

TO: Planning Commission

FROM: Philip W. Block, Associate Planner

SUBJECT: Variance 00-180-09 and Appeal from Site Plan Review 00-130-02 previously approved by Planning Director - Paul Lopez of Standard Pacific of Northern California (Applicant/Owner): Request Site Plan Approval to Construct 11 Single Family Residences on 2.25 Acres and a 5' Side Street Fence Setback Variance for Parcel A - The Property is on Ruus Road and the Extension of Panjon Street

RECOMMENDATION:

The staff recommends that the Planning Commission take the following actions:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Deny the Appeal of Site Plan Review 00-130-02.
3. Approve Site Plan Review 00-130-02 subject to the recommended conditions of approval and the attached findings.
4. Approve Variance 00-180-09 based on the attached findings.

DISCUSSION:

Surrounding Area

The project is located on Ruus Road and the extension of Panjon Street between Ruus Road and Huntwood Avenue. The property abuts single-family residences to the south and Tennyson Park and the future Boys and Girls club to the north. The site is zoned RS (single-family residential) district and is within the Tennyson-Alquire Neighborhood. See Attachment A area map.

Background

The property was acquired by the City to provide for the extension of Panjon Street. Standard Pacific of Northern California ultimately acquired the property from the City to build its Ashwood Park single family residential subdivision. On April 22, 1999 the Planning Commission approved the Tentative Subdivision Map (Tract 7099) for this 11-lot subdivision. At this time the applicant is concurrently completing Final Subdivision Map requirements. Once completed, the Final Subdivision Map for Ashwood Park will be presented to the City Council for review and approval.

The extension of Panjon Street to connect Huntwood Avenue and Ruus Road will improve traffic circulation within the neighborhood. It will also provide vehicular and pedestrian access to Tennyson Park and the future Boys and Girls Club.

On March 10, 2000 the Planning Director approved the Ashwood Park Site Plan Review 00-130-02 subject to 21 conditions. See Attachment B for the Conditions of Approval. On March 17, 2000, Glen Moss, attorney, filed an appeal of the administratively approved Site Plan Review on behalf of Mary Byars, 607 Eastwood Way. See Attachment C for appeal letter. Mrs. Byars' residence is at the corner of Eastwood Way and Brighton Street, adjacent to the project site. It backs up to the project's lots # 10 and 11.

The purpose of this agenda item is for the Planning Commission to consider the staff-proposed fence variance and the appeal of the administratively approved Site Plan Review for the 11 lot Ashland Park Subdivision.

Project/Site Plan

The applicant has recently completed the Twin Bridges residential development at the southwest corner of West Industrial Parkway and Mission Boulevard. The house models proposed for Ashwood Park are some of the same designs used for Twin Bridges. All proposed 11 homes are two story and have two-car garages. Seven building plans with different floor plans and elevations are proposed for Ashwood Park. See enclosures for proposed site plan/conceptual landscape plan, elevations and floor plan. Attachment D contains photographs of one of the elevations.

Stucco exterior siding is used for all the home models. All elevations include covered decorative entryways, with some of the plans including covered porches. All house models have stepped or transitional front elevations. The elevations include the use of decorative windows and trim. Concrete tile is the proposed roof material and all house models include significant roof articulations and offsets. A variety of building color schemes are proposed, consisting of earth tone and muted colors with accent and trim colors. The front yards will be landscaped with sodded lawns, ground covers, shrubs and trees in addition to the street trees. Parcel A was created as part of the Ashwood Park Subdivision. It will be landscaped with trees and shrubs.

Variance

Parcel A is a long narrow strip of land approximately 125' x 13' between the existing single family residence at the southwest corner of Coleridge Avenue and Panjon Street extended. Parcel A will become a planter strip with trees and shrubs, as well as, allow for a 5' expansion of the fenced yard of the existing adjacent single family dwelling. It is the left over property between what will be the new sidewalk along the south side of Panjon Street extended and the existing fence along the north property line of the above mentioned single family residence. The City has transferred this otherwise unusable remnant property (Parcel A of APN 465-01-9-3) to the adjacent property owner.

The minimum side street yard requirement is 10' (Zon. Ord. Sec. 10-1.230). Therefore normally, the Parcel A 6' fence would need to be set back 10'. In this location the staff believes a 5' setback is appropriate and that the necessary variance findings can be made.

Granting a 5' variance will still allow a 5' planter strip between the new fence and sidewalk. This is sufficient area for shrubs and trees. This side street yard enhanced landscaping will compensate for the reduced size landscape area. Also, Tennyson Park across Panjon Street extended provides considerable landscaped open space to compensate for the reduced street side setback.

The fence is limited in length and does not adversely affect visibility at the intersection of Coleridge Avenue and Panjon Street extended. The variance does not constitute a grant of special privilege. It is not inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. There are a number of side street yard 6' fences in the neighborhood that are constructed directly adjacent to the sidewalk and 6' fences situated 5' from Panjon Street, approved as part of a subdivision constructed within the past several years.

Site Plan Review Appeal

The appellant has expressed concern about inadequate drainage and provision for the removal of water, improper Categorical Exemption from CEQA, boundary line problems and privacy issues. City staff has had a number of meetings and conversations with the appellant's attorney and the developer. The meetings have been helpful in trying to resolve the appellant's concerns.

The appellant has raised four points in their appeal letter (Attachment C):

1. Inadequate drainage and provision for the removal of waste water

Staff Comment: This is not an issue in that the applicant will construct a drainage swale in the rear yards of the 11 new lots to accept drainage from the abutting properties as well as the new subdivision. The future homeowners of the new development will be responsible for maintaining these drainage easements.

2. Improper Categorical Exemption from CEQA

Staff Comment: Section 15332 Class 32 of the California Environmental Quality Act (CEQA) allows exemptions for infill projects such as this. The project is consistent with Class 32 requirements as follows:

- a) It is consistent with the General Plan designation and policies and Zoning Ordinance including designation.
- b) The site is less than 5 acres.
- c) The site has no value as a habitat for endangered species.
- d) The project would not cause significant effects on water quality, air quality, noise or traffic.
- e) The site can be served with necessary public services and utilities.

Also, on April 22, 1999 the Planning Commission, in approving the Ashwood Park Tentative Subdivision Map (Track 7099, found that the subdivision was categorically exempt from CEQA.

3. Boundary line problems

Staff Comment: A property survey confirms that the new development will not encroach on adjoining parcels.

4. Privacy Concerns

Staff Comments: The new homes will be set back from the rear property line between 24 and 30 feet. Consistent with privacy measures undertaken in the Twin Bridges project, the developer proposes to plant evergreen trees within rear yards to form a visual screen.

Zoning and Neighborhood Plan Consistency

The applicant's project is consistent with the required setbacks, lot coverage, building height and the minimum design and performance standards for the Single-Family Residential (RS) zone district. It is also consistent with the City's Design Guidelines.

Environmental Review

On April 22, 1999 the Planning Commission, in approving the Ashwood Park Tentative Subdivision Map (Tract 7099), found that the subdivision was categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The proposal is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15332 Class 32 infill development. Specifically it is consistent with the General Plan and Zoning Ordinance, it is under 5 acres, it does not adversely effect the habitat of endangered species, it does not cause significant adverse effects on traffic, noise, water quality or air quality, and necessary public services and utilities are available.

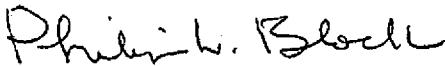
Public Notice

On February 7, 2000 a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, based on the most current data available. No comments were received.

On March 10, 2000 a Notice of Decision was mailed to each property owner and occupant within 300 feet of the subject site, based on the most current data available. Two comments were received. One was the written appeal of the administrative Site Plan Review approval on behalf of Mrs. Mary Buyars (see Attachment C). The other comment was from a neighboring property owner, who said he saw advantages and disadvantages to having the project, but that he was not opposed to it.

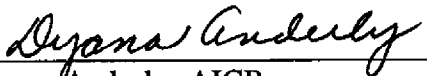
On April 17, 2000 a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, based on the most current data available.

Prepared by:



Philip W. Block, AICP
Associate Planner

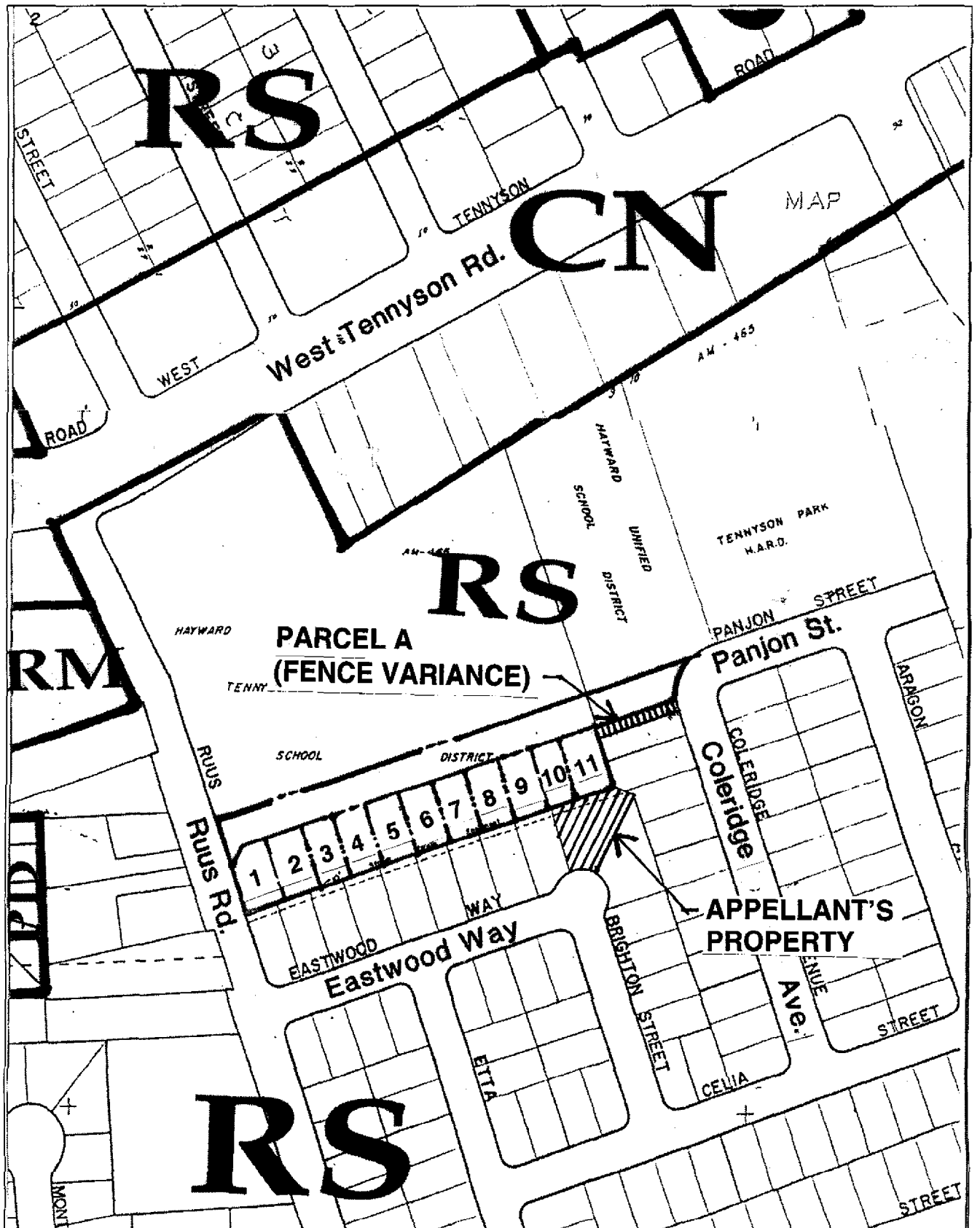
Approved by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Conditions of Approval
- C. Appeal Letter
- D. Photographs of elevation
- E. Findings of Approval - Variance
- F. Findings of Approval - Site Plan Review
Project Plans



AREA MAP – SPR 00-130-02/VAR 00-180-09

ATTACHMENT A

CONDITIONS OF APPROVAL
Site Plan Review 00-130-02
Panjon Street extended at Ruus Road

1. The site plan shall become void on March 10, 2001, unless, prior to that time, a building permit application has been accepted for processing by the Building Official or an extension has been approved.
2. Unless otherwise indicated, all conditions shall be met prior to occupancy.

Architecture

3. All side and rear elevations facing a street shall include enhanced architectural details.
4. Roof materials shall be as shown in Exhibit A (photographs) and exterior colors and finishes shall be as shown in Exhibit B (color sheets).

Fire Department Requirements

5. Fire hydrants and roads shall be installed to meet City of Hayward and UFC requirements. Fire hydrants are required to be installed every 400 feet and be capable of flows of 1500 GPM @ 20 PSI for a 2- hour duration.
6. All weather roads shall be installed and engineered to withstand 50,000 lbs. GVW of fire apparatus.

Note: Prior to construction with combustible materials all-weather roads and water supply shall be in service.

7. Minimum of Class C type roofing materials required for each dwelling.
8. Spark arrestors required on each chimney.
9. 6" address or 4" self-illuminated address required.
10. Smoke detectors required per the UBC.
11. Hazardous Materials office requests proof that the site has been remediated from, any chemicals/hazardous materials.

Landscaping

12. Prior to issuance of the first building permit, detailed landscaping and irrigation plans for all front yards and Parcel "A" shall be prepared by a licensed

landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

13. Front yards shall be limited to a maximum of 50% Fescue sod.
14. One 15-gallon street tree shall be planted 6 feet behind the sidewalk on each lot and on Parcel "A" for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail Sd-122.
15. One 24" box tree shall be planted in each front yard as mitigation for the three trees removed.
16. Landscaping and street trees shall be installed on Parcel A prior to issuance of the occupancy permit for the first dwelling unit,
17. Front yard landscaping and street trees shall be installed according to approved plans prior to occupancy of each lot. A Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
18. The mailboxes for all units shall be located next to the public street and grouped together where appropriate. Decorative posts or pilasters shall be used to support the mailboxes. The Planning Director shall approve the design.

Fences

19. Prior to issuance of the first building permit, a fencing plan showing the location and details of all lot line, perimeter and good neighbor fences and walls shall be submitted for review and approval by the Planning Director.

Miscellaneous

20. The drainage plan shall be approved by the City Engineer prior to issuance of any building permits.
21. Second stories are to be architecturally attractive and sensitive to the privacy of adjoining residents in the placement of windows and balconies.
22. *Two 15 gal. Podocarpus gracilior (Fern Pine) trees shall be planted in each back yard of lots 10 and 11 and one 15 gal. Podocarpus in lots 1 – 9 near the rear fences prior to occupancy of each lot.*

GLEN L. MOSS
ANN MURPHY

MOSS & MURPHY
ATTORNEYS AT LAW
1297 B STREET
HAYWARD, CALIFORNIA 94541
(510) 583-1155

HAND DELIVERED

March 17, 2000

City of Hayward
Planning Division
777 B Street
Hayward, CA 94541
Att: Phil Black

Re: Administrative Site Plan Review (SPR) 00-130-02
Ruus Road/Panjon Street Project
Our Client: Mrs. Mary Byars
NOTICE OF APPEAL AND REQUEST FOR FORMAL HEARING

Dear Mr. Black:

Please consider this letter as a formal Notice of Appeal and Request for Formal Hearing before the Planning Commission of the tentative administrative approval of the above project. This office represents Mrs. Mary Byars. Ms. Byars owns the property which adjoins the project. We wish to appeal from the prospective approval of the project on the following grounds:

1. Inadequate Drainage and Provision for removal of Waste Water:

The present project ignores the substantial number of drains which cause water to flow from the Byars property at 607 Eastwood Way to the subject project. This water currently is disbursed on the open fields of the school and other quasi public uses being made of the land occupied by the proposed project.

Also, the project proposes to use a non-existent easement to remove the waste water. This easement was formally abandoned in approximately 1970. All the land occupied by this easement now belongs to the fee owners, such as Ms. Byars. She will not consent to the use of her land for these purposes.

2. Improper Categorical Exemption from CEQA:

The current project will exacerbate the water drainage problems in the area and cause changes in the ecological

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MAR 17 2000

ATTACHMENT C

City of Hayward
Notice of Appeal
Page two

balance of various forms of wildlife. Also, the deprivation of the open spaces and quasi public uses of this property prevents the project from being categorically exempt from CEQA. We submit that an Environmental Impact Report should be prepared so that the neighbors and governmental officials will know the true environmental costs of the project.

3. Boundary Line Problems:

The current fences are approximately three feet in from the property line which separates the instant project from the property owned and occupied by Ms. Byars as a single family residence. Ms. Byars intends to move the fence to the boundary. The current project attempts to occupy the property owned by Ms. Byars and her neighbors.

4. Privacy Concerns:

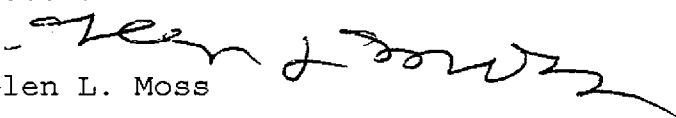
The instant project proposes massive homes that are about 20 to 30 feet high. In contrast, the surrounding homes are about half this height. In addition, the current plans call for the new homes views to be directly into the rear yards, bedrooms, and living areas of their neighbors. These design features of the new homes will substantially reduce the quiet enjoyment of the people occupying the existing homes. We submit that further design work and restrictions should be included in a final plan that will eliminate this problem.

For each of these reasons, the project should NOT be approved in its existing configuration. We look forward to discussing these concerns with the developer, planning staff, and other interested persons at the City. You may forward a copy of this appeal to the landowner, the developer, and their agents.

All inquiries and questions regarding these matters should be directed to this office and NOT to our client.

Yours very truly,

MOSS & MURPHY


Glen L. Moss

GLM/
cc: Ms. Mary Byars

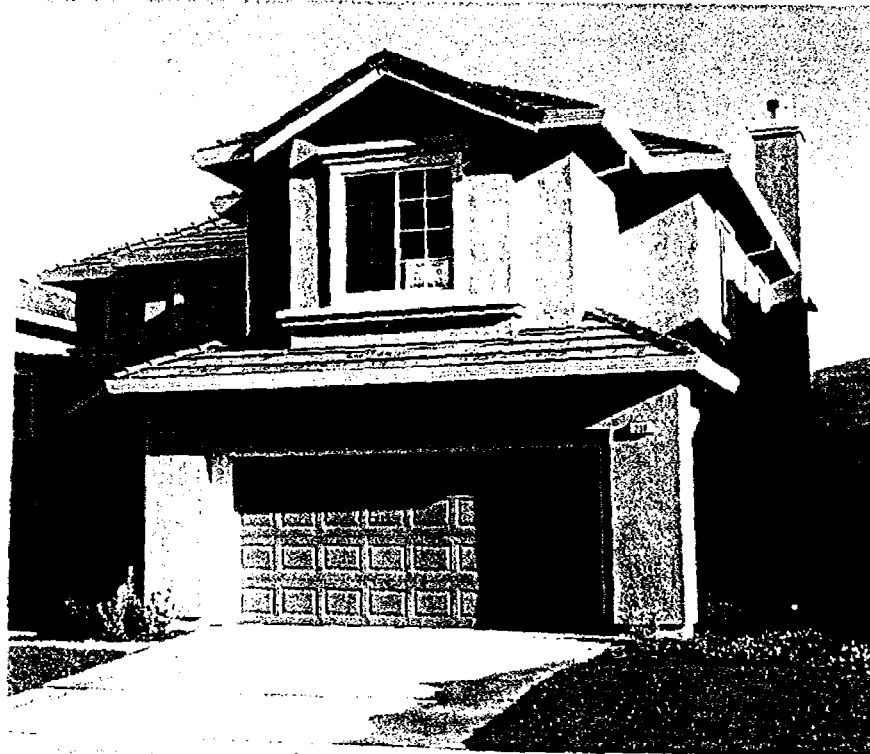


STANDARD PACIFIC

A Division of Standard Pacific, Corp.

March 13, 2000
Phillip W. Block
Associate Planner
City of Hayward
RE: SPR 00-130-02 Ashwood Park

PLAN TWO ELEVATION D



ATTACHMENT D

FINDINGS OF APPROVAL
Variance 00-180-09 to vary 5 feet from the
10 foot side street fence setback for
Parcel A of Tract 7099
Ruus Road and the extension of Panjon Street
City of Hayward (Applicant)
City of Hayward (Owner)

1. There are special circumstances applicable to the size and location of parcel A because it is the remaining property when Panjon Street is extended between Tennyson Park and the existing single family home at the southwest corner of Coleridge Avenue and Panjon Street extended.
2. The development proposal which this variance is part of is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15332 Class 32 in-fill development. Specifically it is consistent with the General Plan and Zoning Ordinance, it is under 5 acres, it does not adversely effect the habitat of endangered species, it does not cause significant adverse effects on traffic, noise, water quality or air quality, and necessary public services and utilities are available.
3. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity under the same zoning classification. There are a number of single family residences in the neighborhood with side street yard 6-foot fences built to within 5 feet of side street property lines and the requested variance also provides for a 5 foot setback from the sidewalk.
4. The variance does not constitute a grant of a special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated, in that adequate landscaping, space for the relocated fence and open space is provided, and there will be no adverse impacts on surrounding uses.

FINDINGS OF APPROVAL

Site Plan Review 00-130-02 of the house designs
and landscaping for the 11 single-family home Ashwood Park Subdivision
Ruus Road and the extension of Panjon Street
Paul Lopez of Standard Pacific of Northern California (Applicant)
Standard Pacific of Northern California (Owner)

1. The 11 homes proposed for the previously approved subdivision, as conditioned, are compatible with the adjacent single family residences and Tennyson Park and will be an attractive addition to the neighborhood. A requirement of the developer is to extend Panjon Street to Ruus Road. This will provide access to the Future Boys and Girls Club and provide better access to Tennyson Park.
2. The proposal is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15332 Class 32 in-fill development. Specifically it is consistent with the General Plan and Zoning Ordinance, it is under 5 acres, it does not adversely effect the habitat of endangered species, it does not cause significant adverse effects on traffic, noise, water quality or air quality, and necessary public services and utilities are available.
3. The proposed project will not impair the character or integrity of the Single Family Residential Zone District (RS) or surrounding area in that the project consists of the construction of single family detached homes which area compatible with the surrounding single family residential, public park and future Boys and Girls Club. A drainage swale will be included in the rear yards of the proposed homes to accept drainage from the abutting properties. Trees will be added along the rear yard fences to form a visual screen for added privacy. The project will be an attractive addition to the Tennyson-Alquire Neighborhood and community.
4. The proposed uses, as conditioned, will not be detrimental to the public health, safety or welfare in that the proposed homes and site improvements, as conditioned, will be consistent with the design and scale of surrounding properties and neighborhood. The future homeowners of the new development will be responsible for maintaining the drainage swale easements that will benefit the existing adjacent homeowners. The new homes will be setback 4 to 10 feet further than the minimum 20-foot setbacks.
5. That the proposed detached single-family homes are consistent with the Zoning Ordinance, Design Guidelines and Tennyson-Alquire Neighborhood Plan Residential Development Standards.